

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATURAL RESOURCES DEFENSE
COUNCIL, INC.

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, *et al.*,

Defendants.

Civil Action No. 1:16-cv-01861-JDB

JUDGE JOHN D. BATES

STATUS REPORT BY DEFENDANT EPA

Pursuant to this Court's January 7, 2019 Order, Defendants submit the following status report regarding this matter:

1. In its Order dated March 30, 2018, the Court vacated the U.S. Environmental Protection Agency's (EPA) September 21, 2010 decision approving the total maximum daily load (TMDL) for trash in the Anacostia River, but stayed vacatur "until such time as EPA approves a replacement TMDL for trash in the Anacostia River." ECF No. 27 at 1. The Court further directed EPA to submit a status report "informing the Court of the actions that the agency has taken to comply with this Order." *Id.* at 2.
2. On July 2, 2018, EPA submitted its status report to the Court.
3. Following EPA's submission, the Court issued its July 2, 2018 Order directing EPA to submit a status report by January 4, 2019.
4. On January 4, 2019, EPA submitted its second status report to the Court.

5. Following EPA's submission, the Court issued its January 7, 2019 Order directing EPA to submit a status report by July 1, 2019.
6. Since January 4, 2019, EPA has taken the following actions:
 - a. **Data Collection and Analysis.** EPA, the Maryland Department of the Environment (MDE), and the D.C. Department of Energy and the Environment (DOEE) (i.e. the Agencies) continue to analyze the data that was received through EPA's August 24, 2018 data solicitation as well as data collected by the Agencies after the data solicitation. The Agencies continue to evaluate the available data to identify an approach for the development of a TMDL endpoint.
 - b. **Coordination with MDE and DOEE.** EPA convened conference calls with MDE and DOEE on March 20, 2019, April 10, 2019, May 8, 2019, and June 12, 2019 to discuss the available data, data gaps, and TMDL development options. During these calls, the Agencies discussed the availability of data to inform the baseline load and options for the development of a TMDL endpoint.
 - c. **Decision to solicit feedback on a proposed approach for the development of a TMDL endpoint from stakeholders.** MDE and DOEE have tentatively decided to identify a proposed approach for the development of a TMDL endpoint to stakeholders and solicit feedback. EPA is working with MDE and DOEE as they prepare for this process.

- d. **Coordination with external parties.** EPA provided a status update on the replacement trash TMDL to the Anacostia Watershed Management Committee Meeting on June 6, 2019.

Respectfully submitted,

Dated: June 28, 2019

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CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2019, I filed the foregoing using the Court's CM/ECF system, which will electronically serve all counsel of record registered to use the CM/ECF system.

/s/ Eileen T. McDonough